August 4, 2006

## BY ELECTRONIC AND OVERNIGHT MAIL

Mary L. Cottrell, Secretary
Department of Telecommunications & Energy
Commonwealth of Massachusetts
One South Station, Second Floor
Boston, MA 02110

Suite 300 3000 K Street NW Washington, DC 20007-5116 202.424.7500 202.424.7647 fax

Bingham McCutchen LLP

Re: <u>D.T.E. 06-61</u>

Dear Secretary Cottrell:

bingham.com

Attached hereto for filing in the above-referenced proceeding is the Petition to Intervene of Metropolitan Telecommunications of Massachusetts, Inc., a/k/a MetTel and One Communications in this proceeding.

Boston Hartford London Los Angeles New York Orange County San Francisco Silicon Valley Tokyo

Walnut Creek

Washington

In accordance with the Notice of Investigation and Public Hearing that was released on July 17, 2006 in this proceeding, an original and three (3) additional copies of this filing are attached. In addition, a copy of this filing is being submitted to the Department in electronic format by E-mail attachment to <a href="mailto:dte.efiling@state.mass.us">dte.efiling@state.mass.us</a> and <a href="mailto:Tina.Chin@state.ma.us">Tina.Chin@state.ma.us</a>.

Also attached is an extra copy of this filing. Please date-stamp it and return it in the attached, postage prepaid envelope provided.

Should you have any questions concerning this filing, please do not hesitate to contact me.

hilip J. Macres

Enclosures

cc:

Tina Chin, Hearing Officer Bruce Beausejour, Verizon Alexander Moore, Verizon

Other entities named on the attached Certificate of Service

## BEFORE THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department on its own motion as to the propriety of the rates and charges set forth in the following tariff: M.D.T.E. No. 14, filed with the Department on June 16, 2006, to become effective July 16, 2006, by Verizon New England, Inc. d/b/a Verizon Massachusetts.

D.T.E. 06-61

## PETITION TO INTERVENE OF METROPOLITAN TELECOMMUNICATIONS OF MASSACHUSETTS, INC., A/K/A METTEL AND ONE COMMUNICATIONS

220 C.M.R. § 1.03 and the Massachusetts Department of Pursuant to Telecommunications and Energy's ("Department") July 17, 2006 Notice of Investigation and Metropolitan Public Hearing in the above-captioned proceeding, counsel for Telecommunications of Massachusetts, Inc., a/k/a MetTel ("MetTel") and One Communications<sup>1</sup> ("One") (collectively "Joint Petitioners") hereby petition the Department to intervene as full parties in this proceeding, stating in support thereof the following:

- 1. Joint Petitioners are Competitive Local Exchange Carriers ("CLEC") that are authorized to provide service throughout the Commonwealth of Massachusetts and provide local service consistent with that authorization. Their provision of services includes, among other things, obtaining certain services that Verizon-Massachusetts ("Verizon") offers on resale basis pursuant to 47 U.S.C. § 251(c)(4) and applicable state law.
- 2. On July 17, 2006, the Department initiated this proceeding to investigate Verizon's June 16, 2006 proposed reduction to its resale discount rates. It also invited all interested persons who are substantially and specifically affected by issues under investigation to petition to intervene in this proceeding by Monday, August 7, 2006.
- 3. Joint Petitioners accordingly request that they be permitted to intervene as full parties in this proceeding so that they may represent and protect their interests during it. Joint

<sup>&</sup>lt;sup>1</sup> One Communications is the entity resulting from the merger of the parent entities of the Massachusetts operating subsidiaries Choice One Communications of Massachusetts Inc., CTC Communications Corp., Lightship Telecom, LLC, and Conversent Communications of Massachusetts, Inc.

Petitioners will be substantially and specifically affected by the Department's review and

decision in this proceeding because they are customers that purchase certain telecommunications

services on a resale basis from Verizon and also are competitors of Verizon. Any changes to

Verizon's current resale discount rate will specifically impact Joint Petitioners' ability to

compete with Verizon. In order to ensure that the Joint Petitioners' interests are fully and

properly represented, Joint Petitioners' participation as parties in this proceeding is necessary.

4. If allowed to intervene as full parties, Joint Petitioners plan to participate fully in

this proceeding, including propounding discovery, offering pre-filed and hearing witness

testimony, and presenting written and oral argument on the issues raised.

5. In making this request, Joint Petitioners ask that all communications and

correspondence for this proceeding be directed to the undersigned counsel and the following

individuals at MetTel and One:

David Aronow
President
MetTel
44 Well Street 6th Floor

44 Wall Street, 6th Floor New York, New York 10005

Tel: (212) 359-1000 Fax: (212) 701-8403

E-mail: daro@mettel.net

Gregory M. Kennan

Director, Regulatory Affairs and Counsel

One Communications

24 Albion Rd., Suite 230

Lincoln, RI 02865

Tel: (401) 834-3326

Fax: (401) 834-3350

E-mail: gkennan@onecommunications.com

2

WHEREFORE, Joint Petitioners respectfully request that the Department grant this

Petition to Intervene in this proceeding.

Respectfully submitted,

Eric/J. Branfman

Philip J. Macres

Bingham McCutchen LLP

3000 K Street, N.W., Suite 300

Washington, DC 20007

Tel: (202) 424-7500

Fax: (202) 424-7645

E-mail: Eric.Branfman@bingham.com E-mail: Philip.Macres@bingham.com

au

Counsel for Metropolitan Telecommunications of

Massachusetts, Inc., a/k/a MetTel and One

Communications

Gregory M. Kennan

Director, Regulatory Affairs and Counsel

One Communications

24 Albion Rd., Suite 230

Lincoln, RI 02865

Tel: (401) 834-3326

Fax: (401) 834-3350

gkennan@onecommunications.com

Co-Counsel for One Communications

Dated: August 4, 2006

## CERTIFICATE OF SERVICE

I certify that on this 4th day of August, 2006, a copy of the Petition to Intervene of Metropolitan Telecommunications of Massachusetts, Inc., a/k/a MetTel and One Communications in DTE 06-61 was sent via postage prepaid first class mail (or overnight mail if noted with an asterisk) to the individuals listed below.

Lori S. Williams

\*Mary Cottrell, Secretary
Department of Telecommunications and
Energy
Telecommunications Division
One South Station
Boston, MA 02110

Jonathan B. Engle Assistant Attorney General, Utilities Division Office of the Attorney General One Ashburton Place Boston, MA 02108

\*Tina W. Chin, Hearing Officer

\*Michael Isenberg, Director
Department of Telecommunications and
Energy
Telecommunications Division
One South Station
Boston, MA 02110

Gregory M. Kennan One Communications 24 Albion Road, Suite 230 Lincoln, RI 02865-3747

Bruce P. Beausejour Alexandar Moore Verizon New England, Inc. d/b/a Verizon Massachusetts 185 Franklin Street, Floor 1701 Boston, MA 02110-1585 Jay E. Gruber
AT&T Communications of
New England, Inc.
99 Bedford Street, 4th Floor
Boston, MA 02111

Douglas Denny-Brown Matthew T. Kenny RNK, Inc. d/b/a RNK Telecom 333 Elm Street Suite 300 Deham, MA 02026 Edward A. Yorkgitis, Jr. Kelley Drye Collier Shannon 3050 K Street, N.W. Suite 400 Washington, DC 20007-5108